(Chapter IV.—Process-fees.—Sections 23-24. Chapter V.—Of the Mode of Levying Fees.—Sections 25-26.)

Number of peons in Mofussil Small Cause Courts.

and for the purposes of this section, every Court of Small Causes established under [1]Act No. XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature*) shall be deemed to be subordinate to the Court of the District Judge.

Number of peons in Revenue Courts.

[2]23. Subject to [3]rules to be framed by the Chief Controlling Revenue-authority and approved by the Local Government and the Governor General of India in Council, every officer performing the functions of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

24. [*Process served under this Chapter to be held to be process within meaning of Code of Civil Procedure.*] *Rep. by the Repealing and Amending Act, 1891 (XII of 1891).*

CHAPTER V.

OF THE MODE OF LEVYING FEES.

Collection of fees by stamps.

25. All fees referred to in section 3 or chargeable under this Act shall be collected by stamps.

Stamps to be impressed or adhesive.

26. The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as the Governor

[1] The reference to Act XI of 1865 should now be read as the Provincial Small Cause Courts Act, 1887 (9 of 1887), s. 2 (2) and (3), Genl. Acts, Vol. IV.

[2] In the Punjab, s. 23 is repealed—*see* the Punjab Land-revenue Act, 1887 (17 of 1887), Punj. and N.-W. Code.

[3] For rules framed under the powers conferred by this section in—

Assam . .	*see* Assam M. R. and O.
Central Provinces .	*see* Cen. Prov. Gazette, 1905, Pt. III, p. 570.
Madras . .	*see* Mad. R. and O., Vol. 1.

As to Burma *cf.* s. 41 of the Lower Burma Courts Act, 1900 (6 of 1900).

ernor General of India in Council may, by notification in the Gazette of India, from time to time direct.[1]

Rules for supply, number, renewal and keeping accounts of stamps.

27. The Local Government may, from time to time, make [2] rules for regulating—

(*a*) the supply of stamps to be used under this Act,

(*b*) the number of stamps to be used for denoting any fee chargeable under this Act,

(*c*) the renewal of damaged or spoiled stamps, and

(*d*) the keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

Stamping documents inadvertently received.

28. No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped:

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office

[1] For rules as to levy of court-fees by adhesive and impressed stamps, *see* Gazette of India, 1883, Pt. I, p. 189.

[2] For rules under s. 27 for:—

(*1*) Ajmer-Merwara, *see* Aj. R. & O., Vol. I.
(*2*) Baluchistan, *see* Bal. Code, p. 122.
(*3*) Bengal, *see* Ben. Stat. R. & O., Vol. I and Cal. Gazette, 1907, Pt. I, p. 432.
(*4*) Bombay, *see* Bom. R. & O., Vol. I.
(*5*) Burma, *see* Burma Gazette, 1902, Pt. I, p. 9.
(*6*) Central Provinces, *see* Cen. Prov. Gazette, 1902, Pt. III, p. 69.
(*7*) Coorg, *see* Coorg R. and O.
(*8*) Eastern Bengal & Assam, *see* E. B. & A. Gazette, 1908, Pt. II, p. 642.
(*9*) Madras, *see* Mad. R. & O., Vol. I.
(*10*) N. W. Fron. Prov., *see* Gazette of India, 1902, Pt. II, p. 98.
(*11*) Punjab, *see* Punj. R. & O.
(*12*) United Provinces, *see* U. P. R. & O., Vol. I, Pt. I.

office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended document.

29. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

30. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been [1] cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VI.

MISCELLANEOUS.

Repayment of fees paid on applications to Criminal Courts.

31. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which police-officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition.

ii. In the case mentioned in section 18, the Court, if it convict the accused person, shall, in addition to the

[1] For rules regulating the cancellation of stamps in the Courts of Ajmer-Merwara, *see* Gazette of India, 1903, Pt. II, p. 1088.